



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

Box 7921
101 South Webster Street
Madison, Wisconsin 53707-7921
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March 9, 1998

Mr. William E. Muno, Director
Superfund Division
U. S. EPA Region 5, S-6J
77 West Jackson Blvd.
Chicago, IL 60604-3590

Attn: Acquisition and Assistance Branch (MCG-10J)

SUBJECT: Cooperative Agreement No. V985769-01

Dear Mr. Muno:

We are sending this letter to transmit our acceptance of the award of our Superfund Fox River Cooperative Agreement. The award of \$1,651,623 is for WDNR to conduct a risk assessment and to conduct a remedial investigation/feasibility study, including related data management and public outreach/education activities, for the Fox River site from February 8, 1998 through January 31, 1999.

Please find the signed original and two copies of the Cooperative Agreement Award.

We are very pleased with the cooperative efforts of our two agencies on the Fox River site. We greatly appreciate the expedited efforts of EPA Region V in reviewing the draft application and in issuing this award.

If there are any questions, please contact Dick Kalnicky at (608) 267-7554.

Sincerely,

George E. Meyer
Secretary

cc: Dorothy Amend - FN/1
M. Giesfeldt/M. Gordon - RR/3
B. Paulson - WT/2
B. Behrens - NER
E. Lynch - RR/3
W. Weisensel - CE/6
D. Kalnicky - RR/3



Quality Natural Resources Management
Through Excellent Customer Service



U.S. ENVIRONMENTAL PROTECTION AGENCY						1. ASSISTANCE ID NO. V 985769-01-0		2. LOG NUMBER 05-V -000			
EPA ASSISTANCE AGREEMENT / AMENDMENT						3. DATE OF AWARD FEB 06 1998		4. MAILING DATE FEB 13 1998			
PART I - ASSISTANCE NOTIFICATION INFORMATION											
5. AGREEMENT TYPE				6. PAYMENT METHOD							
Cooperative Agreement <input checked="" type="checkbox"/>				<input type="checkbox"/> Advance <input type="checkbox"/> Reimbursement <input checked="" type="checkbox"/> ACH Number <u>ACH-0536</u>							
Grant Agreement <input type="checkbox"/>				Send Payment Request to				7. TYPE OF ACTION			
Assistance Amendment <input type="checkbox"/>				COMPTROLLER BRANCH, MF-10J				NEW PROJECT			
RECIPIENT ORGANIZATION	8. RECIPIENT				9. PAYEE						
	WISCONSIN DNR P O. BOX 7921 MADISON, WI 53707				WISCONSIN DNR P.O. BOX 7921 MADISON, WI 53707						
	EIN NO. 39-6006436		CONGRESSIONAL DISTRICT 02		10. RECIPIENT TYPE STATE, COMMONWEALTH, TERR GOVT						
	11. PROJECT MANAGER AND TELEPHONE NO. MARK F. GIESFELDT (608) 267-7562				12. CONSULTANT (WWT Construction Grants only) N/A						
	13. ISSUING OFFICE (CITY / STATE) US ENVIRONMENTAL PROTECTION AGENCY ACQUISITION-ASSISTANCE BRANCH US EPA, REGION 5, MC-10J 77 W JACKSON BLVD CHICAGO, IL 60604-3590				14. EPA PROJECT / STATE OFFICER AND TELEPHONE NO. COLL SUPERFUND DIVISION SR-5J, (312) 886-6044						
15. EPA CONGRESSIONAL LIAISON & PHONE BARBARA BROOKS, (202) 260-5660			16. STATE APPL ID (Clearinghouse)		17. SCIENCE FIELD		18. PROJECT STEP (WWT Construction Grants Only) N/A				
19. STATUTORY AUTHORITY CERCLA: SEC. 104			20. REGULATORY AUTHORITY 40 CFR PTS 31, 35 SUBPT O			21. STEP 2 + 3 & STEP 3 (WWT Construction Grants Only)					
						a. Treatment Level b. Project Type N/A c. Treatment Process d. Sludge Design					
22. PROJECT TITLE AND DESCRIPTION FOX RIVER REMEDIAL INVESTIGATION/FEASIBILITY STUDY											
23. PROJECT LOCATION (Areas Impacted by Project)											
City / Place STATEWIDE			County STATEWIDE			State WI		Congressional District ST AT EW I D E			
24. ASSISTANCE PROGRAM (CFDA Program No. & Title) 66.802: Hazardous Substances Response Trust Fund			25. PROJECT PERIOD 02/08/98 - 01/31/99			26. BUDGET PERIOD 02/08/98 - 01/31/99					
27. COMMUNITY POPULATION (WWT Construction Grants Only) N/A			28. TOTAL BUDGET PERIOD COST \$1,651,623			29. TOTAL PROJECT PERIOD COST \$1,651,623					
FUNDS		FORMER AWARD		THIS ACTION		AMENDED TOTAL					
30. EPA Amount This Action		\$0		\$1,651,623							
31. EPA In-Kind Amount		0		0							
32. Unexpended Prior Year Balance		0		0							
33. Other Federal Funds		0		0							
34. Recipient Contribution		0		0							
35. State Contribution		0		0							
36. Local Contribution		0		0							
37. Other Contribution		0		0							
38. Allowable Project Cost		\$0		\$1,651,623							
FISCAL	Site Name		Document Control Number	FY	Approp.	Budget Organization	Program Element	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
	01) FOX RIVER 2/8/98-1/31/99		SFX010	98	T	5AFOJ	FAX	41.85	A565CO00	C001	1,651,623

PART II - APPROVED BUDGET

 SITE NAME: **FOX RIVER 2/8/98-1/31/99**

 ASSISTANCE IDENTIFICATION: **V 985769-01-0**

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TABLE A - OBJECT CLASS CATEGORY
 (Non-construction)

**TOTAL APPROVED ALLOWABLE
BUDGET PERIOD COST**

1. PERSONNEL	\$149,339
2. FRINGE BENEFITS	44,341
3. TRAVEL	30,231
4. EQUIPMENT	0
5. SUPPLIES	54,800
6. CONTRACTUAL	1,325,000
7. CONSTRUCTION	0
8. OTHER	4,625
9. TOTAL DIRECT CHARGES	\$1,608,336
10. INDIRECT COSTS: RATE <u>22.35</u> % BASE <u>S+FB</u>	43,287
11. TOTAL (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$1,651,623

12. TOTAL APPROVED ASSISTANCE AMOUNT

\$1,651,623

TABLE B - PROGRAM ELEMENT CLASSIFICATION
 (Non-construction)

1.	
2.	
3.	
4.	
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6.	
7.	
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10.	
11.	
12. TOTAL (Share: Recipient _____ % Federal _____ %.)	

13. TOTAL APPROVED ASSISTANCE AMOUNT

TABLE C - PROGRAM ELEMENT CLASSIFICATION
 (Construction)

1. ADMINISTRATION EXPENSE	
2. PRELIMINARY EXPENSE	
3. LAND STRUCTURES, RIGHT-OF-WAY	
4. ARCHITECTURAL ENGINEERING BASIC FEES	
5. OTHER ARCHITECTURAL ENGINEERING FEES	
6. PROJECT INSPECTION FEES	
7. LAND DEVELOPMENT	
8. RELOCATION EXPENSE	
9. RELOCATION PAYMENTS TO INDIVIDUALS AND BUSINESS	
10. DEMOLITION AND REMOVAL	
11. CONSTRUCTION AND PROJECT IMPROVEMENT	
12. EQUIPMENT	
13. MISCELLANEOUS	
14. TOTAL (Lines 1 thru 13)	
15. ESTIMATED INCOME (if applicable)	
16. NET PROJECT AMOUNT (Line 14 minus 15)	
17. LESS: INELIGIBLE EXCLUSIONS	
18. ADD: CONTINGENCIES	
19. TOTAL (Share: Recipient _____ % Federal _____ %.)	

20. TOTAL APPROVED ASSISTANCE AMOUNT

TERMS AND CONDITIONS

THIS AWARD IS IN RESPONSE TO THE RECIPIENT'S APPLICATION SUBMITTED JANUARY 26, 1998.

1. RECYCLED PAPER

Pursuant to EPA Order 1000.25, dated January 24, 1990, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to the Agency. This requirement does not apply to reports which are prepared on forms supplied by EPA. This requirement applies even when the cost of recycled paper is higher than that of virgin paper.

2. REPORTING

Programmatic and financial status reports will be submitted to U.S. EPA on a quarterly basis, within 30 days following the end of the quarter. Final financial status reports will be submitted when all encumbrances are liquidated.

3. INDIRECT COST

The recipient will not charge nor claim for reimbursement any indirect costs until a current, acceptable indirect cost rate has been negotiated with the cognizant Federal agency. The recipient must submit a copy of the Indirect Cost Rate Negotiation Agreement to the EPA Regional Office Acquisition and Assistance Branch within 30 days after the indirect cost rate has been accepted, in order to be eligible to claim indirect costs against this assistance agreement.

4. FAIR SHARE

The recipient agrees to negotiate a "Fair Share" percentage of not less than 8% with EPA before the recipient begins the process to award any contracts under this agreement.

The recipient agrees to ensure that at least the negotiated "Fair Share" percentage of Federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women, and historically black colleges and universities.

The recipient agrees, in the event of any contracting, to include in its bid documents at least the negotiated "Fair Share" percentage and to require all of its prime contractors to include in their documents for subcontracts at least the negotiated "Fair Share" percentage.

The recipient also agrees to comply with the six affirmative steps of the "Fair Share" policy stated in 40 CFR 30.44(b), 31.36(e) or 35.6580(a), as appropriate.

The State and/or recipient agrees to submit a SF-334 "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements, and Other Federal Financial Assistance" to the EPA award official within 30 days of the end of each Federal fiscal year, i.e., by October 30 of each year.

5. MBE/WBE

The recipient agrees that it will comply with EPA's Program for utilization of Small, Minority and Women's Business Enterprises in procurement under assistance agreements in accordance with written instructions that were provided by the Agency on November 19, 1997.

6. SMALL BUSINESS IN RURAL AREAS

By accepting this agreement, the recipient agrees to comply with Section 129 of Public Law 100-590, the Small Business Administration Reauthorization and Amendment Act of 1988. Therefore, if the recipient awards a contract under this assistance agreement, it will utilize the following affirmative steps relative to Small Business in Rural Areas (SBRAs):

- a. Placing SBRAs on solicitation lists;
- b. Ensuring that SBRAs are solicited whenever they are potential sources;
- c. Dividing total requirements when economically feasible, into small tasks or quantities to permit maximum participation by SBRAs;
- d. Establishing delivery schedules, where the requirements of work will permit, which would encourage participation by SBRAs;
- e. Using the services of the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce, as appropriate; and
- f. Requiring the contractor, if it awards subcontracts, to take the affirmative steps in subparagraphs a. through e. of this condition.

PROGRAMMATIC CONDITIONS

7. WDNR's Invitation for Professional Services for Fox River Projects (RFP) dated January 9, 1998, is incorporated by reference, and will serve as the State's project schedule and task breakdown, until such time as WDNR submits any other workplan to replace this RFP. Task costs from the selected bidder based on that RFP will be used as the tasks costs breakdown required by Subpart O.
8. WDNR may only use new information collected as part of the RI/FS to support the selection of the remedial alternative, except as otherwise agreed to by USEPA.

SPECIAL CONDITIONS (continued)

Subject: Cooperative Agreement No. V985769-01;
Confirming acceptance of the award

PART IV

NOTE: The Agreement must be completed in duplicate and the Original returned to the Grants Administration Division for Headquarters awards and to the appropriate Grants Administration Office for State and local awards within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA.

Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the recipient subsequent to the document being signed by the EPA Award Official, which the Award Official determines to materially alter the Agreement, shall void the Agreement.

OFFER AND ACCEPTANCE

The United States of America, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers assistance/amendment to the WISCONSIN DNR for 100.00% of all approved costs incurred up to and not exceeding \$ 1,651,623 for the support of approved budget period effort described in application (including all application modifications) cited in Item 22 of this Agreement

SUPERFUND PROGRAM, included herein by reference.
DATE AND TITLE

ISSUING OFFICE (Grants Administration Office)	AWARD APPROVAL OFFICE
ORGANIZATION / ADDRESS ACQUISITION-ASSISTANCE BRANCH US EPA, REGION 5, MC-10J 77 W JACKSON BLVD CHICAGO, IL 60604-3590	ORGANIZATION / ADDRESS SUPERFUND DIVISION US EPA, REGION 5, S-6J 77 W JACKSON BLVD CHICAGO, IL 60604-3590

THE UNITED STATES OF AMERICA BY THE U.S ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL <i>William E. Muno</i>	TYPED NAME AND TITLE WILLIAM E. MUNO, DIRECTOR SUPERFUND DIVISION, REGION 5	DATE 2/6/98
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This agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter I, Subchapter B and of the provisions of this agreement (Parts I thru IV), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be refunded or credited in full to EPA.

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE <i>George E. Myles</i>	TYPED NAME AND TITLE	DATE 3/6/98
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